

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Norio KURITA et al.

No.: 10/577550

Filed: June 29, 2009

For SHUTTER UNIT AND LASER PROCESSING DEVICE USING SAME

DECLARATION AND VERIFIED TRANSLATION

Hon. Commissioner of Patents

and Trademarks

Washington, D. C. 20231

Sir:

I, Ken-ichi SHIBAYAMA, Japanese Patent Attorney registration No. 14044 with a business office at Ginza First Bldg., 10-6, Ginza 1-chome, Chuo-ku, Tokyo 104-0061 Japan, hereby declare and state that:

I am thoroughly conversant with both the Japanese and English languages; and that the attached document represents a true and accurate English translation of the Notice of Reasons for Rejection issued on May 10, 2005 against Japanese Patent Application (JP2003-374769) filed to the Japanese Patent office on November 4, 2003.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signed this 29<sup>th</sup> day of June, 2009

Signature:



Name:

Ken-ichi SHIBAYAMA

Reference Number: 2003-0530  
Dispatch Number: 160194  
Dispatch Date: May 10, 2005

---

## NOTICE OF REASONS FOR REJECTION

Patent Application No.: P2003-374769  
Drafting Date: April 27, 2005  
Examiner of JPO: KAWAHARA Tadashi 9017 2X00  
Representative: HASEGAWA Yoshiki, *et al.*  
Applied Provisions: Article 29(1) and Article 29(2)

This application should be rejected for the reasons stated below. If the applicant has any argument against the reasons, such argument should be submitted within 60 days from the date on which this notice was dispatched.

### Reasons

#### (Reason 1)

The invention(s) claimed in claim(s) listed below of the application should not be granted a patent under the provision of Patent Law Article 29(1) (iii) since it is an invention described in the publication(s) listed below which was distributed in Japan or foreign countries prior to the filing of the application or an invention which was available to the public through a telecommunication line prior to the filing of the application.

### Note

- Regarding the invention claimed in Claims 1-4, 6: Publications 1-4

#### (Reason 2)

The invention(s) claimed in claim(s) listed below of the application should not be granted a patent under the provision of Patent Law Article 29(2) since it could have easily been made by those having ordinary knowledge in the technical field to which the invention(s) belongs, on the basis of the invention(s) described in the publication(s) listed below which was distributed in Japan or foreign countries prior to the filing of the application or the

invention(s) which was available to the public through a telecommunication line prior to the filing of the application.

Note

- Regarding the invention claimed in Claims 1-6: Publications 1-5

**Remarks**

Publications 1-4 disclose shutter units with a rotating member similar to the invention claimed in Claims 1-4, 6.

Placing an optical absorption member on shutter units is an art known prior to the filing of this present application.

A person skilled in the art could easily have adopted the technology of using a light blocking plate and two photo interrupters as a method of detecting the position of passing as well as of blocking the shutter in the shutter unit, as described in Publication 5, to shutter units described in Publications 1-4

List of Publications

1. JP 59-061587 A (Fig. 10, 11, etc.)
2. Japanese Utility Patent Application JP 63-145747 (JP 02-065493 Y) microfilms (Fig. 1, 2, etc.)
3. JP 01-227119 A (Fig. 2, etc.)
4. JP 57-042003 A (Diagrams, etc.)
5. JP 01-191117 A (Diagrams, etc.)

---

Record of Results of Prior Art Search

- Technical Fields Searched:

IPC 7<sup>th</sup> Edition G02B26/02

H01S3/00

B23K26/00

DB name

- Prior Art Documents:

This record is not a component of the reasons for rejection.

---

Any inquiry concerning the contents of this notice of reasons for rejection or intention of conducting an interview should be directed to:

Examiner of 1<sup>st</sup> Patent Examination Department: Optical Devices  
Kawahara Tadashi  
Telephone: 03-3581-1101 Extension 3255

整理番号 2003-0530  
発送番号 160194  
発送日 平成17年 5月10日

# 拒絕理由通知書

特許出願の番号 特願 2003-374769  
起案日 平成 17 年 4 月 27 日  
特許庁審査官 河原 正 9017 2X00  
特許出願人代理人 長谷川 芳樹 (外 2名) 様  
適用条文 第 29 条第 1 項、第 29 条第 2 項

この出願は、次の理由によって拒絶をすべきものである。これについて意見があれば、この通知書の発送の日から 60 日以内に意見書を提出して下さい。

## 理由

(理由 1)

この出願の下記の請求項に係る発明は、その出願前に日本国内又は外国において、頒布された下記の刊行物に記載された発明又は電気通信回線を通じて公衆に利用可能となった発明であるから、特許法第29条第1項第3号に該当し、特許を受けることができない。

記

・請求項1-4、6に係る発明に対して：刊行物1-4

(理由 2)

この出願の下記の請求項に係る発明は、その出願前日本国内又は外国において頒布された下記の刊行物に記載された発明又は電気通信回線を通じて公衆に利用可能となった発明に基いて、その出願前にその発明の属する技術の分野における通常の知識を有する者が容易に発明をすることができたものであるから、特許法第29条第2項の規定により特許を受けることができない。

記

・請求項 1 - 6 に係る発明に対して：刊行物 1 - 5

## 備考

刊行物1-4には、請求項1-4、6に係る発明と同様な回転部材を備えたシヤッタユニットが記載されている。

また、光吸収部材をシャッタユニットに設けることは、本出願前に周知の技術にすぎない。

刊行物 5 に記載されたような、シャッタユニットにおけるシャッタの通過位置・遮断位置の検出手段として、遮光板及び 2 つのフォトインラプタを用いる技術を、刊行物 1 ～ 4 に記載されたシャッタユニットに採用することは、当業者にとって容易である。

(刊行物一覧)

刊行物1：特開昭59-061587号公報（図10、11等）

刊行物2：実願昭63-145747号（実開平02-065493号）のマイクロフィルム（図1、2等）

刊行物3：特開平01-227119号公報（図2等）

刊行物4：特開昭57-042003号公報（図面等）

## 刊行物5：特開平01-191117号公報（図面等）

この拒絶理由通知の内容に関するお問い合わせ、または面接のご希望がございましたら、お問い合わせください。

ましたら、特許庁審査第1部光デバイス 河原 正 (TEL03-3581-1101 内線3255) までご連絡下さい。

## 先行技術文献調査結果の記録

・調査した分野 先行技術文献調査結果の記録  
IPC第7版 G02B26/02  
HO1S3/00  
B23K26/00

DB名

- ・先行技術文献  
この先行技術文献調査結果の記録は、拒絶理由を構成するものではない。